

Moore	Van Zandt
Ramsey	Vick
Shivers	Weinert
Smith	Winfield
Stone	York
Sulak	

Absent—Excused

Kelley	Spears
--------	--------

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley	Spears
--------	--------

Adjournment

On motion of Senator Shivers, the Senate, at 11:55 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

TWENTY-THIRD DAY

(Thursday, February 20, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Graves
Beck	Hazlewood
Brownlee	Hill
Chadick	Isbell
Cotten	Lanning
Fain	Lemens
Formby	Lovelady

Martin	Stone
Mauritz	Sulak
Metcalfe	Van Zandt
Moffett	Vick
Moore	Weinert
Ramsey	Winfield
Shivers	York
Smith	

Absent—Excused

Kelley	Spears
--------	--------

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Brownlee submitted the following report:

Austin, Texas,
February 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

We, your Committee on Highways and Motor Traffic, to whom was referred

Senate Bill No. 34.

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Senator Moore submitted the following report:

Senate Chamber,
Austin, Texas,
February 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 20, To grant Mrs. Gertrude Cabeen permission to sue the State of Texas.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be not printed.

MOORE, Chairman.

Senator Aikin submitted the following report:

Austin, Texas,
February 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 314, A bill to be entitled "An Act granting the commissioners' court of Burnet County permission to pay out of the General Fund of said county bounties for the destruction of rattlesnakes and predatory animals; and declaring an emergency."

Have had the same under consideration and I am instructed to report back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Vice Chairman.

Senate Bill on First Reading

The following bill was introduced, read first time and referred by the President to the committee indicated:

By Senators Moffett, Lovelady and Sulak:

S. B. No. 174, A bill to be entitled "An Act to amend H. B. No. 20, Acts of the Forty-sixth Legislature, Regular Session, reciting the legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts; providing the manner of election of members of the State Soil Conservation Board; fixing the terms of office and defining the powers and duties of said members of said State Soil Conservation Board; providing for the creation of county soil conservation committees; defining the duties and compensation of the members thereof; providing for the compensation of members of the State Soil Conservation Board; providing for the method by which vacancies on the State Soil Conservation Board shall be filled; providing for the creation of soil conservation districts; providing the manner of selection of the supervisors of said soil conservation districts; defining the powers, duties, and compensation of said supervisors acting for and through such soil con-

servation districts; providing for the removal of supervisors; providing the manner of filling vacancies; providing for a board of adjustment of three (3) members and fixing the method of appointment, the term of office, the duties, and compensation of board of adjustment members; providing for removal of officers under certain conditions and the filling of vacancies; providing for the creation of a special fund to be known as the 'State Soil Conservation Fund' and appropriating such fund to the State Soil Conservation Board to be used in the administration of this Act; providing for a biennial audit and report to be made to the Governor of the State; providing an appropriation for the use of the State Board; providing the proper method of enforcement of such programs and regulations as may be promulgated by the several districts described herein; providing method by which soil conservation districts may be discontinued; repealing S. B. No. 227, Regular Session, Forty-fourth Legislature, page 504; providing that H. B. No. 13, Acts of the Forty-second Legislature, Regular Session and H. B. No. 978, Regular Session, Forty-fourth Legislature, and S. B. No. 386, Acts of the Forty-fifth Legislature, Regular Session, shall be specifically preserved; providing that this Act shall be supplementary and complementary to all present laws, except those specifically repealed by this Act; providing this Act shall not impair nor impinge upon the rights, powers, and functions of certain districts; providing separability clause; and declaring an emergency."

To Committee on Agriculture.

Senate Bill 174 Ordered Printed

On motion of Senator Moffett and by unanimous consent, it was ordered that S. B. No. 174 be printed in advance of its consideration in committee.

Senate Concurrent Resolution 21

Senator Formby offered the following resolution:

S. C. R. No. 21, Permitting Crosbyton Independent School District to borrow money not to exceed Ten Thousand (\$10,000.00) Dollars for the purpose of supplementing money on hand to pay outstanding obligations, etc.

Whereas, The Crosbyton Independent School District of Crosby County, Texas, desires to have a law passed by the Legislature of Texas which would permit said district, acting through its duly elected officers, to borrow money in a sum not to exceed Ten Thousand (\$10,000.00) Dollars for the purpose of supplementing money on hand with which to pay outstanding obligations and to refinance and liquidate outstanding and past due indebtedness of said district, and to issue interest bearing time warrants therefor without an election, such warrants to be paid out of tax money heretofore legally authorized by a majority of the resident property taxpaying qualified voters of said school district; and

Whereas, Such a law is a local law; and

Whereas, Article 3, Section 57 of the Constitution of the State of Texas requires that evidence of the fact that notice of intention to apply for such a law shall have been published in the locality where the matter or thing to be affected may be situated, and which such notice shall state the substance of the contemplated law, and shall be published at least thirty days in such locality, and that such evidence shall be exhibited in the Legislature before such Act shall be passed; and

Whereas, Such notice as required by the Constitution has heretofore been given, as is shown by the hereto attached certificate of the publisher, together with a copy of such notice; now, therefore, be it

Resolved by the Senate and House concurrently, That the House and Senate of Texas give its consent to the final passage of H. B. No. 241, same being the bill above referred to, and the bill to which the notice hereto attached, as printed in the Crosbyton Review, is applicable, and that this resolution, together with such notice and affidavit as hereto attached, be printed in the Journals of the House and Senate.

Notice of Intention of School District Trustees to Apply for Enactment of a Special Law

Notice is hereby given that it is the intention of the Trustees of Crosbyton Independent School District of Crosby County, Texas, acting for and on behalf of said district, and in compliance with Article 3, Section 57, of

the Constitution of the State of Texas, to apply to the Forty-seventh Legislature of said State for a special law to be enacted at the regular term thereof in 1941, permitting the authorities of said school district to borrow money in a sum not to exceed Ten Thousand (\$10,000.00) Dollars, for the purpose of supplementing money on hand with which to pay outstanding obligations and to refinance and liquidate outstanding and past due indebtedness of said district, and to issue interest bearing time warrants therefor, without an election, such warrants to be paid out of tax money theretofore legally authorized by a majority of the resident, property taxpaying, qualified voters of said school district.

JACK ARTHUR,
President of the School Board,
Crosbyton Independent School
District.

ATTEST:

FRED LITTLEFIELD,
Secretary of the School Board,
Crosbyton Independent School
District.

3-4tc

THE STATE OF TEXAS,
COUNTY OF CROSBY.

Before me, the undersigned authority, a Notary Public in and for Crosby County, Texas, on this day personally appeared W. M. Curry, known to me to be the person who subscribed his name hereto, and after being by me duly sworn deposes and says: that he is the publisher of the Crosbyton Review, a newspaper of general circulation which has been regularly and continuously published for more than one year prior to the return day hereof, in Crosbyton, Crosby County, Texas, and within the Crosbyton Independent School District, and that the attached notice was published in said paper on the following date to-wit: January 17, 24, 31, and February 7, 1941, and a copy is hereto attached.

W. M. CURRY,
Publisher.

Sworn to and subscribed before me this the 12th day of February, A. D. 1941.

WANDA McPHERSON,
Notary Public, Crosby County,
(L.S.) Texas.

The resolution was read and was referred to the Committee on Education.

Senate Concurrent Resolution 22

Senator Formby offered the following resolution:

S. C. R. No. 22, Permitting Crosbyton Independent School District to levy and collect tax not to exceed One and 50/100 (\$1.50) Dollars on each One Hundred (\$100.00) Dollars valuation.

Whereas, The Crosbyton Independent School District of Crosby County, Texas, desires to have a law passed by the Legislature of Texas which would permit said district, acting through its duly elected officers, to levy and collect a tax not exceeding One and 50/100 (\$1.50) Dollars on each One Hundred (\$100.00) Dollars valuation of taxable property of said school district with which to pay the maintenance cost, payment of outstanding bonded indebtedness, with interest thereon, and with which to pay off and discharge such interest bearing time warrants as may be hereafter legally issued by said school district; and

Whereas, Such a law is a local law; and

Whereas, Article 3, Section 57 of the Constitution of the State of Texas requires that evidence of the fact that notice of intention to apply for such a law shall have been published in the locality where the matter or thing to be affected may be situated, and which such notice shall state the substance of the contemplated law, and shall be published at least thirty (30) days in such locality, and that such evidence shall be exhibited in the Legislature before such Act shall be passed; and

Whereas, Such notice as required by the Constitution has heretofore been given, as is shown by the hereto attached certificate of the publisher, together with a copy of such notice; now, therefore, be it

Resolved by the Senate and House concurrently, That the House and Senate of Texas give its consent to the final passage of H. B. No. 250, same being the bill above referred to, and the bill to which the notice hereto attached, as printed in the Crosbyton Review, is applicable, and that this resolution, together with such notice and affidavit as hereto attached, be printed in the Journals of the House and Senate.

Notice of Intention of School Trustees to Apply for Special Law

Notice is hereby given that it is the intention of the Trustees of Crosbyton Independent School District of Crosby County, Texas, acting for and on behalf of said district, and in compliance with Article 3, Section 57 of the Constitution of the State of Texas, to apply to the Forty-seventh Legislature of said State for a special law to be enacted at the regular term thereof in 1941, permitting the authorities of said school district to levy and collect a tax not exceeding One and 50/100 (\$1.50) Dollars on each One Hundred (\$100.00) Dollars valuation of taxable property of said school district, with which to pay the maintenance costs, payment of outstanding bonded indebtedness, with interest thereon, and with which to pay off and discharge such interest bearing time warrants as may be hereafter legally issued by said school district, and providing for the levying of such tax only after a vote thereon and the authorization of such levy by a majority of the resident, property taxpaying, qualified voters of such school district.

JACK ARTHUR,
President of the School Board,
Crosbyton Independent School
District.

ATTEST:

FRED LITTLEFIELD,
Secretary of the School Board,
Crosbyton Independent School
District.

3-4tc

STATE OF TEXAS,
COUNTY OF CROSBY.

Before me, the undersigned authority, a Notary Public in and for Crosby County, Texas, on this day personally appeared W. M. Curry, known to me to be the person who subscribed his name hereto, and after being by me duly sworn deposes and says: that he is the publisher of the Crosbyton Review, a newspaper of general circulation which has been regularly and continuously published for more than one year prior to the return day hereof, in Crosbyton, Crosby County, Texas, and within the Crosbyton Independent School District, and that the attached notice was published in said paper on the following date to-wit: January 17, 24, 31,

and February 7, 1941, and a copy is hereto attached.

W. M. CURRY,
Publisher.

Sworn to and subscribed before me this the 12th day of February, A. D. 1941.

WANDA McPHERSON,
Notary Public, Crosby County,
(L.S.) Texas.

The resolution was read and was referred to the Committee on Education.

Senate Concurrent Resolution 23

Senator Hill offered the following resolution:

S. C. R. No. 23, Providing for a joint session to hear an address by Hon. T. W. Davidson on Monday, March 3, 1941, at 11:00 o'clock, a. m.

Whereas, The Hon. T. W. Davidson, Federal Judge for the Northern District of Texas will be a guest in the City of Austin on Monday, March 3rd; and

Whereas, Judge Davidson has a long and distinguished career as a private citizen, an elected public official and as a Federal Judge, which public career began with his election to the State Senate of Texas in 1921 to represent the Second Senatorial District comprising the Counties of Gregg, Harrison, Panola, Rusk and Shelby; and

Whereas, As a member of said body Judge Davidson distinguished himself for his statesmanlike conduct, his unwearying zeal and steadfast loyalty to the best interests of the masses of the people of Texas; and

Whereas, He was later elevated by the people of Texas to the position of Lieutenant Governor, in which place he served with fairness and impartiality, endearing himself to all those with whom he came in contact; and

Whereas, Judge Davidson was, prior to his elevation to the Bench, a leader in the Democratic Party in Texas, and his leadership was of a high, unselfish and patriotic character. In recognition of his high standing in the legal profession, Judge Davidson was in 1935 appointed to the Federal Bench, a fitting honor for one who had so distinguished himself in his profession and in his public life; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representa-

tives concurring, That Judge Davidson be and he is hereby invited to appear before a joint session of the House and Senate at 11 o'clock a. m., Monday, March 3rd, and address the Legislature.

The resolution was read and was adopted.

Senate Concurrent Resolution 24

Senator Metcalfe offered the following resolution:

S. C. R. No. 24, Commending Governor W. Lee O'Daniel for encouraging the industrial development of Texas and congratulating the citizens of Eldorado on the establishment of the West Texas Woolen Mill.

Whereas, Texas has long been recognized as the leading state in the production of wool and mohair, having an annual clip of approximately eighty million (80,000,000) pounds of these commodities.

Practically all of this splendid raw material has been shipped outside of the confines of this State for processing.

If this material were manufactured in Texas it would be the means of developing an industry peculiarly adapted to conditions in the State; and

Whereas, Governor W. Lee O'Daniel has consistently advocated extensive industrial development of Texas;

In line with this program, the progressive citizenry of the western part of this State has constructed a woolen mill in Eldorado, Texas, known as the "West Texas Woolen Mill";

This mill is to be opened on February 27 and formally dedicated by Governor W. Lee O'Daniel, thus marking a new step in the industrialization of one of Texas' greatest enterprises; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Legislature commend Governor O'Daniel for his efforts in behalf of such activities, and congratulate the people of Eldorado and of the area adjacent thereto for their far-sightedness and progressive spirit in inaugurating such a worthwhile program.

METCALFE,
WINFIELD.

The resolution was read and was adopted.

Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
February 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. B. No. 4, A bill to be entitled "An Act amending Article 2654 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 237, Acts of the Regular Session of the Fortieth Legislature, as amended by Chapter 52, Acts of the Second Called Session of the Forty-first Legislature, as amended by Chapter 196, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 221, Acts of the Regular Session of the Forty-third Legislature, and as amended by Chapter 6 of the Acts of the First Called Session of the Forty-third Legislature, by adding thereto a new Article to be known as Article 2654e, providing that the governing boards of the several institutions of collegiate rank, supported in whole or in part by public funds appropriated from the State Treasury, are authorized and directed to exempt five students annually from each of the other nations of the American continents from the payment of tuition fees; providing the method of selection of such students; prescribing qualifications of such students; empowering State Board of Education, in conjunction with the governing boards of such State institutions of higher learning, to formulate a plan and method for the selection of such students; and declaring an emergency."

H. B. No. 19, A bill to be entitled "An Act to amend Sections 3 and 5 of Chapter 42, General Laws of Texas, passed by the Forty-first Legislature, Second Called Session, as amended by Sections 3 and 5 of Chapter 282, Acts Regular Session, Forty-second Legislature; repealing Section 7 of Chapter 282, Acts Regular Session, Forty-second Legislature, said Acts relating to the operation of vehicles on the public highways of Texas; and declaring an emergency."

H. C. R. No. 43, Authorizing the State Highway Department to loan discarded guard rails to the School Board of the Nocona Independent School District.

H. B. No. 330, A bill to be entitled "An Act amending S. B. No. 355, same being Chapter 338, Acts of the Regular Session of the Forty-fourth Legislature, as amended by S. B. No. 309, same being Chapter 341, Acts of the Forty-fifth Legislature, as amended by S. B. No. 99, Acts of the Regular Session of the Forty-sixth Legislature, by adding a new Section prescribing the procedure to be followed by the Assessor and Collector of Taxes of Coleman County, Texas, in paying over to the Central Colorado River Authority the moneys granted said Authority under the provisions of Section 17a of S. B. No. 99, Acts of the Regular Session of the Forty-sixth Legislature; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Reference of House Concurrent Resolution 43

H. C. R. No. 43, received from the House today, was read and was referred to the Committee on Public Buildings and Grounds.

Leaves of Absence Granted Employees

On motion of Senator Cotten and by unanimous consent, the members and officers of the Senate were authorized to grant leaves of absence for February 22, 1941, to all employees under their supervision whose services can be dispensed with on that day.

House Bill 314 on Second Reading

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 314 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 314, A bill to be entitled "An Act granting the commissioners' court of Burnet County permission to pay out of the General Fund of said county, bounties for the destruction of rattlesnakes and predatory animals; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 314 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 314 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

H. C. R. No. 44, Authorizing correction in H. B. No. 328.

H. C. R. No. 46, Inviting Governor Sam Jones to address the Legislature.

H. B. No. 95, A bill to be entitled "An Act authorizing the commissioners' court of any county having a population of not less than three hundred twenty thousand (320,000), and not more than three hundred sixty thousand (360,000), according to the last United States Census, to rent or let to any landowner any tractor, grader, machinery or equipment belonging to said county to be used exclusively upon land belonging to such owner situated in said county, in the construction of terraces, dikes and ditches for the purposes of said conservation and soil erosion prevention and for the purpose of constructing water tanks and reservoirs; and declaring an emergency."

The House has passed the following bill with amendments:

S. B. No. 91, A bill to be entitled "An Act to declare and recognize for all tax purposes post, camp or unit exchanges established and operated within the State of Texas, by or in conjunction with the United States Military Forces, or by or in conjunction with the Civilian Conservation Corps, instrumentalities and agencies of the United States and for other purposes."

The House has granted the request of Senate for a conference committee on S. B. 42 and appoints: Chambers, Phillips, Lyle, Humphrey, and Celaya; and has appointed as a conference committee on S. C. R. No. 15 the following: King, Bundy, Martin, Roberts and Anderson.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

House Bill 207 Tabled Subject to Call

On motion of Senator Formby, H. B. No. 207 was ordered tabled subject to call.

Senate Concurrent Resolution 18

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 18, Relative to an audit of the San Jacinto Museum of History Association.

The President laid the resolution before the Senate, and it was adopted.

Hour Set for Executive Session

On motion of Senator Martin and by unanimous consent, it was agreed to hold an executive session of the Senate at 11:05 o'clock a. m. today.

House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time, and referred by the President to the committees indicated:

H. B. No. 19, to Committee on Highways and Motor Traffic.

H. B. No. 330, to Committee on State Affairs.

H. B. No. 95, to Committee on Counties and County Boundaries.

Report of Standing Committee

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Austin, Texas,
February 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 59, A bill to be entitled "An Act amending Section 19, subsection h of S. B. No. 5, Acts of the Forty-fourth Legislature, Second Called Session, also known as subsection h of Section 19 of Article 3912e, and all amendments to such Act by adding thereto subsection h-2 affecting the appointment and salaries of deputies in the offices of district clerks in all counties of two hundred ninety thousand (290,000) inhabitants and over; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the committee substitute do pass in lieu of the original S. B. No. 59, and be printed.

RAMSEY, Chairman.

Executive Session

At 11:05 o'clock a. m., the President announced that the hour heretofore fixed for an executive session of the Senate had arrived.

The Sergeant-at-Arms was directed to clear the floor and galleries of all those not entitled to attend the executive session and to close all doors leading from the Senate Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate did not take any final action in executive session on any nomination of the Governor.

After Executive Session

The President called the Senate to order as in legislative session at 11:10 o'clock a. m.

Signing of Bills and Resolutions

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. B. No. 4, A bill to be entitled "An Act amending Article 2654 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 237, Acts of the Regular Session of the Fortieth Legislature, as amended by Chapter 52, Acts of the Second Called Session of the Forty-first Legislature, as amended by Chapter 196, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 221, Acts of the Regular Session of the Forty-third Legislature, and as amended by Chapter 6 of the Acts of the First Called Session of the Forty-third Legislature, by adding thereto a new Article to be known as Article 2654e, providing that the governing boards of the several institutions of collegiate rank, supported in whole or in part by public funds appropriated from the State Treasury, are authorized and directed to exempt five students annually from each of the other nations of the American continents from the payment of tuition fees; providing the method of selection of such students; prescribing qualifications of such students; empowering State Board of Education, in conjunction with the governing boards of such State institutions of higher learning, to formulate a plan and method for the selec-

tion of such students; and declaring an emergency."

S. C. R. No. 19, Authorizing the loan of certain highway equipment to the City of Daingerfield.

S. C. R. No. 20, Urging the United States Government to establish powder and national defense munitions plants in Texas.

H. B. No. 108, A bill to be entitled "An Act amending S. B. No. 427 of the Forty-sixth Legislature and providing for the employment of part-time employees by the heads of departments, boards, or commissions of the State Government; and providing for the salaries of such part-time employees; and declaring an emergency."

H. B. No. 151, A bill to be entitled "An Act defining the jurisdiction of the County Court of Panola County and diminishing its civil jurisdiction; providing that the District Court of Panola County shall have jurisdiction in all civil matters over which by law the county court would have jurisdiction; providing for the transfer of civil causes from the County Court to the District Court of Panola County; providing for the repeal of all laws in conflict therewith; and declaring an emergency."

H. B. No. 234, A bill to be entitled "An Act validating the incorporation of all cities and towns in Texas of five thousand (5,000) inhabitants or less, heretofore incorporated and/or attempted in good faith to be incorporated under the General Laws of Texas; providing that the incorporation of such cities and towns shall not be held invalid on account of irregularities in ordering the incorporation election, election proceedings and/or canvassing returns and declaring result thereof; providing the Act shall not have any effect upon suits pending on the effective date of the Act, or suits to be filed within ninety (90) days; and validating all governmental proceedings performed in good faith by the governing bodies of such cities and towns since their incorporation or attempted incorporation respectively; and declaring an emergency."

H. B. No. 259, A bill to be entitled "An Act amending Chapter 73, General Laws of the Regular Session of the Forty-fourth Legislature, so as to fix the maximum rate of tax to be levied for school purposes in all independent school districts which in-

clude within their limits a city or town which according to the latest Federal Census has a population of not fewer than five thousand, eight hundred and fifteen (5,815) and not more than five thousand, eight hundred and thirty-five (5,835) inhabitants, whether organized under General or Special Law; and declaring an emergency."

H. C. R. No. 10, Providing for a committee composed of three (3) members of the House and two (2) of the Senate to investigate and make a report on the agricultural situation in the State of Texas in its relation to the general economic structure of the State and Nation.

H. C. R. No. 30, Authorizing the loan of certain highway equipment to the City of Throckmorton.

H. C. R. No. 42, Authorizing the recalling of House Bill No. 140 from the Governor's office for the purpose of making a correction.

Senate Bill 142 on Second Reading

Senator Weinert moved that Section 5 of Article 3 of the Constitution be suspended and that S. B. No. 142 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 142, A bill to be entitled "An Act amending Chapter 8, Article 149, of the Revised Civil Statutes, of the State of Texas, by adding a new Section to be numbered 149H, auth-

orizing and empowering the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain an agricultural experiment station for the purpose of making scientific investigations and experiments in the study of poultry problems with particular emphasis on the study of problems relating to the scientific production of broilers and fryers in the South-Central Texas region, said station to be located in Gonzales County, authorizing said board of directors to secure a suitable site for the location of said experiment station, authorizing said board of directors to accept donations of land, money, or anything of value for the establishment and maintenance of said station, authorizing the use of any donation or appropriations placing the supervision of said station under the direction of the Board of Directors of the Agricultural and Mechanical College of Texas, providing the manner in which said experimental station shall be operated and conducted; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 142 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 142 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Committee Substitute House Bill 375 on Second Reading

Senator Metcalfe moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of C. S. H. B. No. 375 at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended, to permit consideration of C. S. H. B. No. 375 at this time.

The President laid before the Senate on its second reading and passage to third reading:

C.S.H.B. No. 375, A bill to be entitled "An Act validating notices to bidders on certain county projects and notices of intention to issue time warrants in payment thereof in each instance where the maximum amount of the warrants stated in said notice is not more than Sixty Thousand (\$60,000.00) Dollars, and where the first publication of such notice was fourteen (14) or more days prior to the date set for receiving bids, notwithstanding the fact that such notice was not published for two (2) consecutive weeks; authorizing commissioners' courts to proceed with the making of contracts pursuant to such notice and to issue time warrants in payment therefor; validating contracts

made and time warrants authorized in payment thereof pursuant to such notice and prior to the effective date of this Act; providing that this Act shall not validate any warrants issued as herein described, the validity of which is attacked in any court of competent jurisdiction by suit pending therein at the time or within fifteen (15) days of the time this Act becomes effective; enacting other provisions relating to the subject; and declaring an emergency."

The bill was read second time and was passed to third reading.

Committee Substitute House Bill 375 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 375 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Isbell
Beck	Lanning
Brownlee	Lemens
Chadick	Lovelady
Cotten	Martin
Fain	Mauritz
Formby	Metcalfe
Graves	Moffett
Hazlewood	Moore
Hill	Ramsey

Shivers	Vick
Smith	Weinert
Stone	Winfield
Sulak	York
Van Zandt	

Absent—Excused

Kelley Spears

House Bill 266 on Second Reading

On motion of Senator Lanning and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 266 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 266, A bill to be entitled "An Act amending Section 9, Chapter 14, of the Acts of the Thirty-seventh Legislature, Special Laws of the First Called Session, S. B. No. 79, so as to give compensation to the members of the Board of Equalization of the Mineral Wells Independent School District; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 266 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 266 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

House Concurrent Resolution 44

On motion of Senator Lanning, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time (the resolution having been received from the House today):

H. C. R. No. 44, Authorizing correction of H. B. No. 328.

The President laid the resolution before the Senate, and it was read and was adopted

House Concurrent Resolution 46

The President laid before the Senate (the resolution having been received from the House today):

H. C. R. No. 46, Inviting Hon. Sam Jones, Governor of Louisiana, to address a joint session of the Legislature on Monday, February 24, 1941.

The resolution was read and was adopted.

Report of Conference Committee
on Senate Bill 42

Senator Metcalfe submitted the following report of the conference committee on S. B. No. 42:

Austin, Texas,
February 20, 1941.

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Conference Committee, appointed to adjust the dif-

ferences between the House and Senate on S. B. No. 42, beg leave to submit the following report and recommend that it do pass in the form hereto attached.

Respectfully submitted,

METCALFE,
STONE,
AIKIN,
LOVELADY,
LANNING,

On the part of the Senate.

CHAMBERS,
HUMPHREY,
PHILLIPS,
LYLE,
CELAYA,

On the part of the House.

S. B. No. 42, A bill to be entitled "An Act providing for a supplemental scholastic census in school districts where there is an unusual increase in population due to proximity of national defense agencies; providing for the request by county superintendents for such census; directing the State Superintendent of Public Instruction to require the census and to approve a supplemental census roll of the districts; providing that said supplemental roll shall be a part of the original census of the district the same as if it had been taken in March; providing for the payment of scholastic apportionment in accordance with said supplemental scholastic census; providing that such supplemental census shall be taken not later than March 15th of any fiscal year, and providing that no adjustment of scholastic apportionment shall be in an amount more than that necessary to care for the needs of such district; and providing for approval by the State Department of Education; providing for only one supplemental scholastic census in any one district annually; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. It is hereby provided that in cases of an unusual increase of the scholastic population of any school district, caused by the location therein or adjacent thereto or whose scholastic population is materially increased by any of the national defense agencies, such as army camps, naval training stations, ship yards, flying fields, munition works, or any other agency whose purpose is to further

the national defense or by the production of oil, gas or other natural resources necessary in the program of national defense, and whose creation results in an unusual increase in the scholastic population of any school district, upon the certified request of the county superintendent of the county in which such an unusual increase exists, the State Superintendent of Public Instruction shall require a supplemental scholastic census to be taken immediately of the district involved. In the event that the census herein authorized shows a substantial increase in the scholastic population, the State Superintendent of Public Instruction shall approve a supplemental census roll, adding the names of the additional eligible scholastics to the rolls of the district. Said supplement of the scholastic census roll shall be considered a part of the original census as if it were taken in the last preceding month of March, and the scholastic apportionment shall be paid in accordance with said scholastic population. Provided further, that such supplemental census shall be taken not later than March 15th of any fiscal year and no adjustment of scholastic apportionment to any district entitled thereto shall be in an amount more than that necessary for the additional expenditures needed to care for the needs of such districts, and which shall be approved by the State Department of Education.

Sec. 2. The State Superintendent of Public Instruction is not authorized by this Act to provide for more than one supplemental scholastic census annually in any one district.

Sec. 3. The fact that recently many army camps, naval training stations, flying fields, ship yards, munitions plants and other national defense agencies have been located in Texas, thereby greatly increasing the scholastic population of many districts, causing need for additional school facilities, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question.—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—29

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Kelley Spears

House Concurrent Resolution 20

The President laid before the Senate for consideration at this time:

H. C. R. No. 20, Granting Mrs. Gertrude Cabeen permission to sue the State.

The resolution was read.

Senator Fain offered the following (committee) amendment to the resolution:

Amend H. C. R. No. 20 by adding a new paragraph just above the resolving clause as follows:

"However, it is to be understood that the purpose of this resolution is to grant permission to said Mrs. Gertrude Cabeen to bring suit against the State of Texas, and no admission of liability of the State is made by this resolution and the facts as set out herein must be proved in court."

The amendment was adopted.

The resolution as amended was adopted.

Senate Concurrent Resolution 25

Senator Graves offered the following resolution:

S. C. R. No. 25, Requesting Congress to pass bill relative to prevention of tuberculosis.

Whereas, The death rate from tuberculosis in a number of Texas counties is far in excess of the national death rate, and that said counties are unable to provide adequately for the prevention, treatment, and control of tuberculosis, and that there is a bill now before Congress, known as S. B. No. 195 and has been referred to the Senate Finance Com-

mittee, which bill will assist said Texas Counties, as well as other communities throughout the nation having abnormally high death rates from tuberculosis, and that there is no such provision now either State or Federal; and

Whereas, There is an urgent need for the passage of this bill during this the Seventy-seventh Congress; now, therefore, be it

Resolved by the Texas Senate, the House of Representatives concurring, That the Congress of the United States be respectfully requested to give careful and deliberate consideration to S. B. No. 195; and be it further

Resolved, That copies of this resolution be sent to the members of the Texas Delegation in Congress, and that a copy also be sent to the Senate Finance Committee.

The resolution was read and was referred to the Committee on Public Health.

Message from the House

The Assistant Reading Clerk of the House was announced by the Doorkeeper and was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
February 20, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 47, Permitting House and Senate to adjourn on Thursday, February 20, to Monday, February 24, 1941.

The House has adopted the Conference Committee report on S. B. No. 42 by a vote of 130 ayes, 0 noes.

The House has adopted the Conference Committee report on S. C. R. No. 15 by a vote of 132 ayes, 0 noes.

Respectfully submitted,

E. R. LINDLEY,

Chier Clerk, House of Representatives.

House Concurrent Resolution 47

The President laid before the Senate for consideration at this time:

H. C. R. No. 47, Authorizing the Senate and/or House to adjourn from

Thursday, February 20, 1941, until Monday, February 24, 1941.

The resolution was read and was adopted.

Adjournment

On motion of Senator Isbell, the Senate, at 11:50 o'clock a. m., adjourned until 10:00 o'clock a. m. next Monday, February 24, 1941.

TWENTY-FOURTH DAY

(Monday, February 24, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent—Excused

Chadick	Kelley
---------	--------

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 20, 1941, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Chadick and Kelley were granted leaves of absence for today on account of important business, on motion of Senator Formby.